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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

In re )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 99-244  
Table of Allotments, ) RM-9678  
FM Broadcast Stations ) RM-\_\_\_\_\_  
(Cumberland, Kentucky and )  
Weber City, Virginia; Glade )  
Spring, Marion, Richlands and )  
Grundy, Virginia) )

TO: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**RECEIVED**

**AUG 23 1999**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COUNTERPROPOSAL AND COMMENTS IN SUPPORT THEREOF**

Holston Valley Broadcasting Corporation (HVBC), by its attorney, and pursuant to the **Notice of Proposed Rulemaking** in MM Docket No. 99-244, DA 99-1293, released July 2, 1999, hereby respectfully submits its Counterproposal, which is mutually exclusive with the proposal of Cumberland City Broadcasting Company (CCBC) to upgrade Channel 274 at Cumberland, Kentucky to Class C3 status, and then to reallocate Channel 274C3 from Cumberland, Kentucky to Weber

No. of Copies rec'd 0+4  
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City, Virginia<sup>1</sup>. HVBC makes the following counterproposal, which is mutually-exclusive with CCBC's proposal:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Cumberland, Kentucky	274A	274A
Weber City, Virginia	--	--
Glade Spring, Virginia	--	274A
Marion, Virginia	273A	263A
Richlands, Virginia	264A	249A
Grundy, Virginia	249A	264A

In support whereof, HVBC submits the following comments:

1. **Preliminary Statement.** HVBC seeks that the Commission allocate Channel 274A, 102.7 MHz, at Glade Spring, Virginia in order for that community to have a first local aural broadcast outlet of any type. As will be discussed in greater detail below, the allocation of Channel 274A at Glade Spring is consistent with all spacing requirements of Section 73.207 of the Rules (upon the amendment of the FM Table of Allotments as proposed herein) while permitting city-grade coverage of all of Glade Spring in compliance with Section 73.315 of the Rules. The

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<sup>1</sup>Also, CCBC seeks the modification of license of FM Broadcast

reference coordinates for the proposed allocation of Channel 274A at Glade Spring (a site 13.1 kilometers east of Glade Spring) are as follows:

**36° 45' 15" North Latitude**  
**81° 37' 56" West Longitude**

2. **Statement of Interest.** In the event that Channel 274A is allocated to Glade Spring, HVBC will file an application on FCC Form 301 for a construction permit to construct a new Glade Spring FM station. Upon a grant of said application, HVBC would construct and operate the resulting Glade Spring station.

3. **Community Status of Glade Spring.** Glade Spring is an incorporated town in Washington County, Virginia with a 1990 Census population of 1,435. Glade Spring has a post office (zip code 24340), a fire department, a police department, and, according to the on-line service **Yahoo! Yellow Pages**, 13 churches, a library, and Patrick Henry High School (see Exhibit A). It clearly is a community for broadcast station licensing purposes. See **FM Table of Allotments, Willows and Dunnigan, California**, 9 FCC Rcd 1802 (1994), where the Commission stated "...As a general rule, if a community is incorporated or is listed in the U.S.

Census, that is sufficient to demonstrate its status as a community for allotment purposes."

4. Allocation Considerations. There is appended hereto as Exhibit B an Engineering Exhibit prepared by broadcast consultant Charles M. Anderson of Bowling Green, Kentucky, whose qualifications are well known to the Commission. Mr. Anderson's statement demonstrates that: (1) Glade Spring does not have any broadcast facilities licensed to it at present; (2) a station with maximum Class A facilities located at the reference coordinates will provide city-grade (70 dBu) coverage to all portions of Glade Spring; and (3) the allocation of Channel 274A at Glade Spring at its reference coordinates complies with Section 73.207 of the Commission's Rules, so long as the following allocations are changed (see below for discussion on this): Channel 263A for Channel 273A at Marion, Virginia and modification of license of FM Broadcast Station WOLD-FM, Marion, Virginia<sup>2</sup>; Channel 249A for Channel 264A at Richlands, Virginia, and modification of license of FM Broadcast Station WRIC, Richlands, Virginia; and Channel

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<sup>2</sup>WOLD-FM would also be required to change its transmitter site; WOLD-FM has agreed to do this (see Exhibit C).

264A for Channel 249A at Grundy, Virginia, and modification of license of FM Broadcast Station WMJD, Grundy, Virginia.

5. The allocation of Channel 274A at Glade Spring, Virginia is in furtherance of the Congressional mandate in 47 U.S.C. §307(b) that the Commission allocate radio frequencies in a "fair, efficient and equitable" manner among the States and communities. The proposed allocation would be the first broadcast station in any service for Glade Spring. Glade Spring is more populous than Weber City (1,435 persons to 1,377 persons). The Glade Spring proposal does not deprive Cumberland, Kentucky of its only commercial FM allocation, but rather creates a new FM station. Thus, this Counterproposal better serves Section 307(b) of the Communications Act than does the original proposal in this docket.

6. In this regard, on these facts, in the face of our Glade Spring counterproposal, the Commission's own case law would disfavor the reallocation of the Cumberland FM channel to Weber City. That case law is stated in **FM Table of Assignments, St. Augustine and Callahan, Florida**, 46 RR 2d 1295 (Bureau, 1980). Therein, a petitioner sought to reallocate an FM channel from a county seat with a population of 12,352 to a small town with a population of

883, thereby (1)leaving the county seat without an FM allocation and (2)reallocating the channel to a place which would provide service to Jacksonville, Florida, a city with many broadcast stations.

7. The Commission declined to reallocate the channel from St. Augustine to Callahan. Its rationale was as follows:

Furthermore, we regard the deletion of an assigned channel for which an interest has been expressed as requiring a heavier burden on the party requesting its deletion to demonstrate its greater need elsewhere. In fact we have found no case in which an applied for channel has been deleted in favor of a community this small and which is so close to a much larger city.<sup>3</sup>

8. In this case, CCBC is seeking to relocate WSEH(FM) from Cumberland, which is located in a mountainous rural area in southeast Kentucky, to Weber City, which for all practical purposes is a suburb of Kingsport, Tennessee, one of the "Tri-Cities" (along with Johnson City and Bristol), which is well served by radio and television stations. CCBC has not met its burden of demonstrating that Section 307(b) would be better served by relocating Channel 274 out of Cumberland, Kentucky and into Weber City, Virginia.

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9. Reimbursement of WOLD-FM, WRIC(FM) and WMJD(FM).

HVBC hereby states that it is aware of and will honor its obligations under Commission policy to compensate the licensees of stations WOLD-FM, Marion, Virginia, WRIC(FM), Richlands, Virginia and WMJD(FM), Grundy, Virginia for their reasonable and prudent expenses in making channel substitutions, in accordance with **FM Table of Allotments, Circleville, Ohio**, 8 FCC 2d 159 (1967), should HVBC's Counterproposal be adopted. HVBC's Counterproposal requires only two involuntary channel changes to operating stations (i.e., WRIC(FM) and WMJD(FM)). With respect to WOLD-FM, HVBC has reached an agreement with WOLD-FM's licensee regarding its willingness to change its transmitter site and to change channel to Channel 263A. Therefore, HVBC's Counterproposal complies with the requirements of **FM Table of Allotments, Columbus, Nebraska**, 59 RR 2d 1184 (1986). See **FM Table of Allotments, Indian Springs, Nevada**, DA 99-1306, 1999 WL 450827 (Bureau, July 2, 1999); **FM Table of Allotments, Big Pine Key, Florida**, 13 FCC Rcd 15542 (Bureau, 1998).

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<sup>3</sup>Citing **Arcadia, Englewood and Lake Placid, Florida**, 41 Fed. Reg. 3880 (Bureau, 1976); and **Burlington and Newport, Vermont**, 44 FR 25228, 45 RR 2d 786 (Bureau, 1979).

10. **Conclusion.** HVBC has successfully demonstrated that (1) Channel 274A can be allocated to Glade Spring in accordance with the changes to the FM Table of Allotments requested herein, (2) HVBC will apply for Channel 274A at Glade Spring if allocated, and if granted will construct the station, (3) HVBC will compensate those stations having to change channels for their reasonable and prudent expenses pursuant to the Commission's **Circleville** policy, and (4) Section 307(b) of the Communications Act, as amended, would be better served by allocating Channel 274A to Glade Spring, Virginia as a new allocation than it would be were Channel 274A to be withdrawn from Cumberland, Kentucky (with no new FM allocation proposed) and reallocated to Weber City, Virginia.

**WHEREFORE,** Holston Valley Broadcasting Corporation urges that its Counterproposal **BE GRANTED** and that Channel 274A **BE ALLOCATED** to Glade Spring, Virginia; and that the mutually-exclusive rulemaking proposal (RM-9678) advanced by Cumberland City Broadcasting Company **BE DENIED**.



Respectfully submitted,

**HOLSTON VALLEY BROADCASTING  
CORPORATION**

By

A handwritten signature in black ink, appearing to read "D. Kelly", is written over a horizontal line.

Dennis J. Kelly  
(D. C. Bar #292631)  
Its Attorney

LAW OFFICE OF DENNIS J. KELLY  
Post Office Box 6648  
Annapolis, MD 21401

August 23, 1999

## **EXHIBIT A**

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<a href="#">Glade Spring Baptist Church</a>	PO Box 367	Glade Spring, VA	(540) 429-2222
<a href="#">Glade Spring Presbyterian Chr</a>	33234 Lee Hwy	Glade Spring, VA	(540) 429-5731
<a href="#">Grace Presbyterian Church</a>	327 Grace St	Glade Spring, VA	(540) 429-2177
<a href="#">Lebanon Baptist Assn</a>	29491 Lee Hwy	Glade Spring, VA	(540) 944-4554
<a href="#">Little Flock Holiness Church</a>	8477 Old Mill Rd	Glade Spring, VA	(540) 429-5039
<a href="#">Little Rock Baptist Church</a>	16011 Little Rock Rd	Glade Spring, VA	(540) 429-2262
<a href="#">Mount Calvary United Holy Chr</a>	923 Crescent Dr	Glade Spring, VA	(540) 429-4353
<a href="#">Seven Springs Presbyterian Chr</a>	33182 Seven Springs Rd	Glade Spring, VA	(540) 429-2670

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## **EXHIBIT B**

## **TECHNICAL REPORT**

This technical report has been developed in support of comments and a counterproposal to MM Docket No. 99-244 which proposes the allocation of channel 274C3 to Weber City, VA. The instant counterproposal alternatively requests the assignment of channel 274A at Glade Spring, VA (1990 population 1435) as a first local aural service and the associated changes in the FM table of allocations required to accommodate the Glade Spring proposal. This proposal is mutually exclusive with the Weber City proposal as demonstrated by Exhibit E-1.

### **I. ALLOCATION ANALYSIS**

The instant counterproposal requests the assignment of channel 274A at Glade Spring, VA at coordinates:

**N 36-45-15 W 81-37-56 (13.1 km east).**

Exhibit E-1 demonstrates that the proposed 274A-Glade Spring allocation fully meets the Commission's Section 73.207 separation requirements channel when the associated changes are implemented. It also shows that there is an ample area within which to obtain a transmitter site meeting all spacing requirements. The proposed allocation changes are reflected in the studies provided herein. Exhibit E-2 demonstrates that the allocation will provide a 70 dBu over the entire city of Glade Spring. Topographic and other maps were consulted in the preparation of Exhibit E-2. A plot of the terrain from the proposed 274A site to the Glade Spring reference point is included as E-3 to show the lack of any obstruction which would attenuate the 70 dB signal.

An allocation study for the substitution of 263A for 273A at Marion is included as Exhibit E-4. Furthermore, a plot is included as E-5 demonstrating that the "specified site" will provide the required 70 dBu over all of Marion. An allocation study for 249A at the WRIC-FM, Richland licensed site is provided as E-6 and a study for 264A at the WMJD-Grundy licensed site is provided as E-7.

In order to accommodate this assignment, three changes in FM allocations are required as summarized below, and hereby proposed:

**Proposed Allocations**

<b><u>Community</u></b>	<b><u>Station</u></b>	<b><u>Present</u></b>	<b><u>Proposed</u></b>	<b><u>Coordinates</u></b>
Glade Spring, VA	NEW	----	274A	N 36-45-15 W 81-37-56 (13.1 km east).
Marion, VA -	WOLD	273A	263A	N 36-51-23 W 81-30-21 (Specified site at existing tower)
Richlands, VA -	WRIC	264A	249A	N 37-09-04 W 81-53-56 (WRIC licensed site)
Grundy, VA -	WMJD	249A	264A	N 37-18-08 W 82-07-04 (WMJD licensed site)

The petitioner will reimburse all stations for the required facility changes in accordance with Commission policy, and in the case of station WOLD for which a site change is required in accordance with the agreement.



## **II. CONCLUSION**

The proposed new allocation will provide Glade Spring, VA (1990 population 1435) with its first local aural service including service to an area of 2,516 square kilometers and a population of 56,545 within the 28.3 km uniform radius 60 dBu for a 6 kw/100 M HAAT maximum facility class A facility.

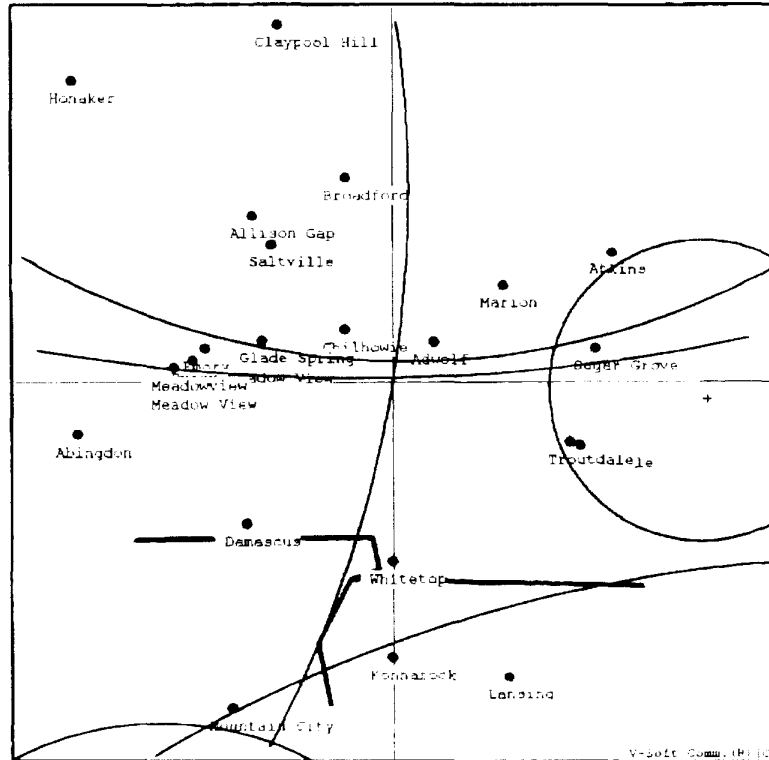
EXHIBIT E-1  
GLADE SPRING VA 274A

SEARCHEM™ LOCATE STUDY

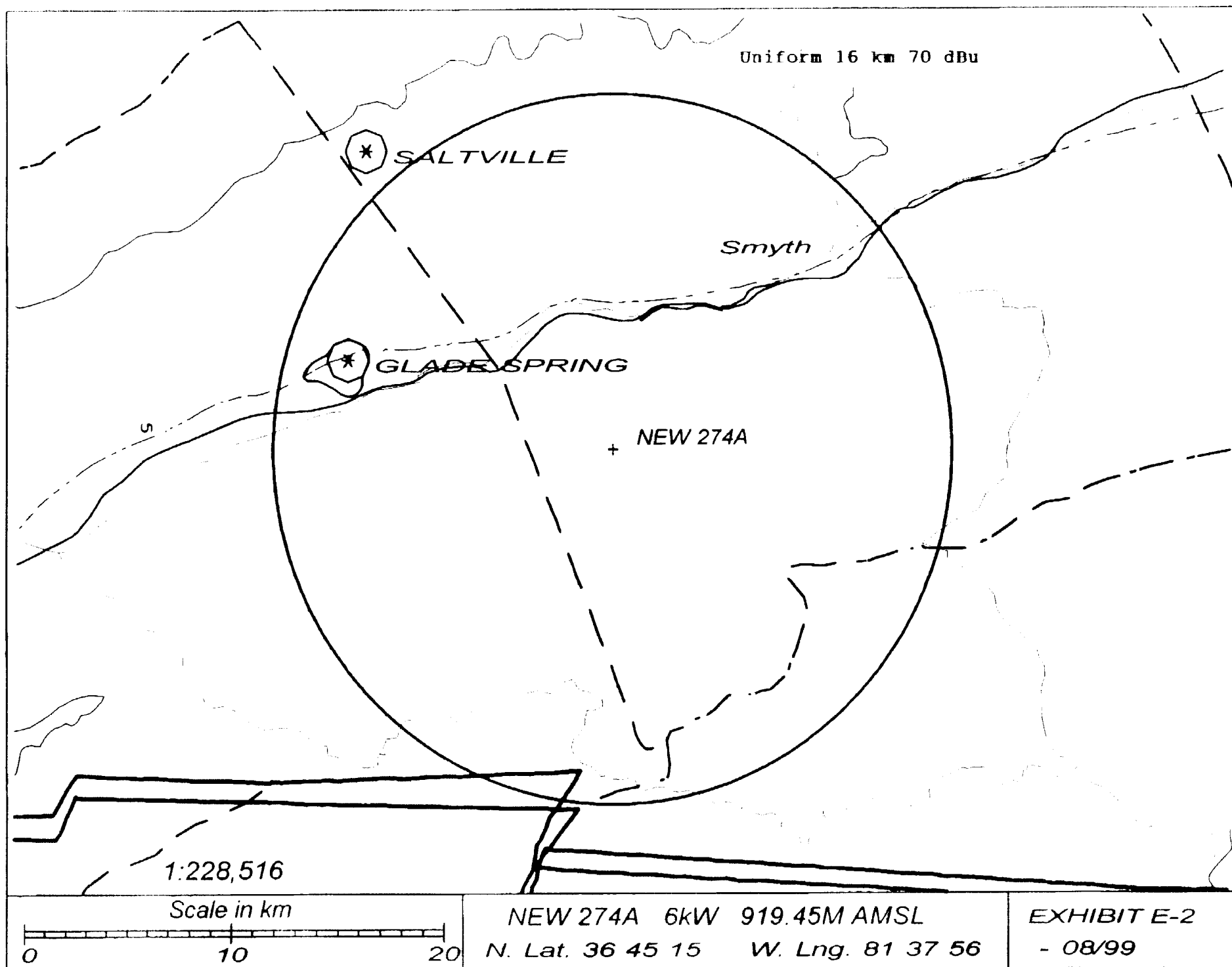
Ch 274 A  
102.7 MHz

N. Lat. 36 45 15  
W. Lng. 81 37 56

EXHIBIT E-1

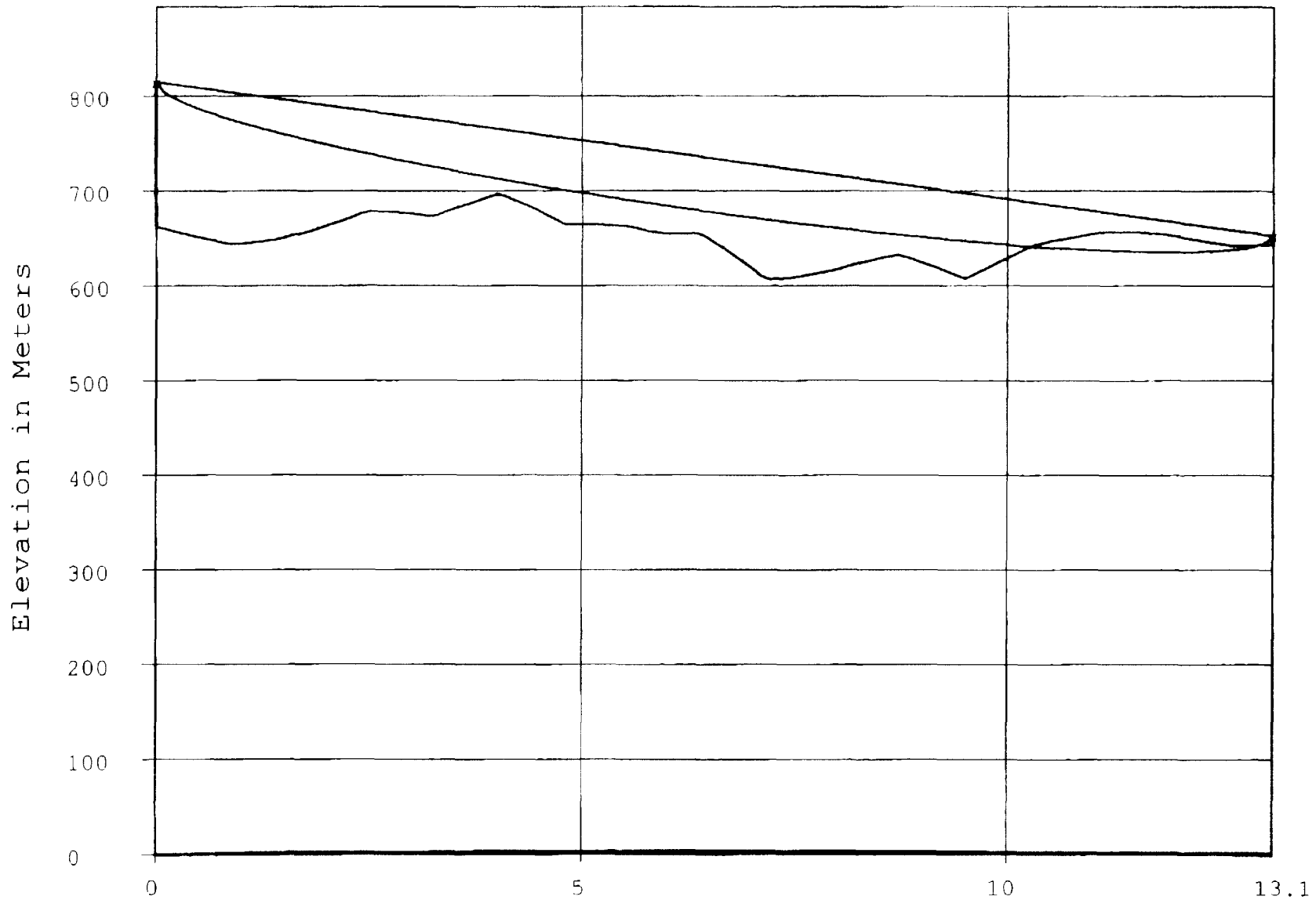


Call	CH#	Location		D-KM	Azi	FCC	Margin
AD274	274C3	Weber City	VA	89.06	253.8	141.5	-52.44
DE274	274A	Cumberland	KY	114.57	279.5	114.5	0.07
WSEH	274A	Cumberland	KY	114.57	279.5	114.5	0.07
WVSREM	274B	Charleston	WV	177.94	359.0	177.5	0.44
WELCFM	275A	Welch	WV	73.57	1.1	71.5	2.07
WVTR	220C2	Marion	VA	29.31	91.3	14.5	14.81
WLYT	275C1	Hickory	NC	156.16	163.1	132.5	23.66
WECRFM	272A	Beech Mountain	NC	67.04	199.3	30.5	36.54
WECRFM	272A	Beech Mountain	NC	67.04	199.3	30.5	36.54
AP273	273A	Shawsville	VA	121.18	69.0	71.5	49.68



# TERRAIN PROFILE AT 288 DEGREES T.

EXHIBIT E-3



Xmtr. AMSL = 815

Distance in km

Rcvr. AMSL = 653.24

Xmtr. AG = 152.4

K = 1

Rcvr. AG = 9.1

Transmitter Site coordinates N. Lat. = 36 45 15 W. Lng. = 81 37 56

## WOLD 263A

**EXHIBIT E-4**

REFERENCE

36 51 23 N

81 30 21 W

CLASS = A

Current Spacings

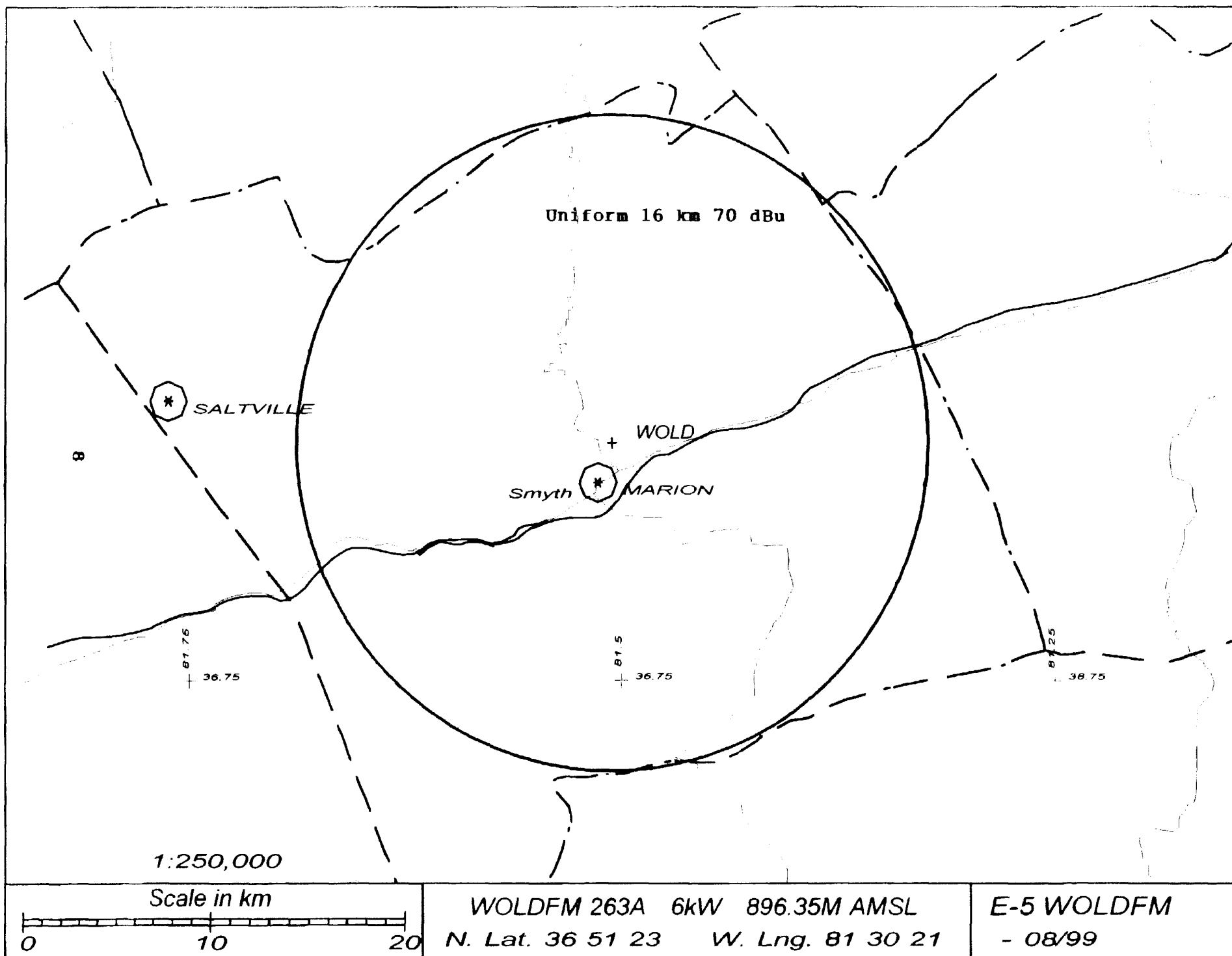
DISPLAY DATES

DATA 08-21-99

SEARCH 08-21-99

----- Channel 263 - 100.5 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WOLDFM LI	263A	Marion	VA	0.00	0.0	114.5	-114.50
WKQY LI	261A	Tazewell	VA	31.75	345.6	30.5	1.25
WMJD LI	264A	Grundy	VA	73.55	312.6	71.5	2.05
WZJS LI	264A	Banner Elk	NC	81.03	201.3	71.5	9.53
WKEEFM LI	263B	Huntington	WV	190.74	333.8	177.5	13.24
WKEEFM LI	263B	Huntington	WV	190.74	333.8	177.5	13.24
WPSLFM LI	262C	High Point	NC	180.08	122.8	164.5	15.58
WKOYFM CP	265A	Princeton	WV	52.12	32.5	30.5	21.62
WKOYFM LI	265A	Princeton	WV	60.26	34.0	30.5	29.76
WSSLFM LI	263C	Gray Court	SC	259.32	192.3	225.5	33.82
WBZV LI	264A	Christiansburg	VA	106.99	72.9	71.5	35.49
WBZV.C CP	264A	Christiansburg	VA	110.00	75.8	71.5	38.50
WSGS LI	266C	Hazard	KY	153.71	284.7	94.5	59.21



## WRICFM 249A

## REFERENCE

## EXHIBIT E-6

## DISPLAY DATES

37 09 04 N

CLASS = A

DATA 08-21-99

81 53 56 W

Current Spacings

SEARCH 08-21-99

----- Channel 249 - 97.7 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WRICFM LI	249A	Richlands	VA	0.00	0.0	114.5	-114.50
WBRF LI	251C	Galax	VA	116.22	124.2	94.5	21.72
WZQQ LI	250C3	Hyden	KY	114.27	272.7	88.5	25.77
WRONFM LI	249A	Ronceverte	WV	141.91	59.1	114.5	27.41
WQBEFM LI	248B	Charleston	WV	140.14	6.2	112.5	27.64
WKBCFM LI	247C	North Wilkesboro	NC	137.75	149.9	94.5	43.25
WKBCFM CP	247C	North Wilkesboro	NC	137.76	149.9	94.5	43.26
WPEG LI	250C	Concord	NC	209.45	161.2	164.5	44.95
WJXB LI	248C	Knoxville	TN	221.72	235.7	164.5	57.22

## WMJD 264A

**EXHIBIT E-7**

REFERENCE

37 18 08 N

82 07 04 W

CLASS = A

Current Spacings

DISPLAY DATES

DATA 08-21-99

SEARCH 08-21-99

----- Channel 264 - 100.7 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
WMJD	LI 264A	Grundy	VA 0.00	0.0	114.5	-114.50
WSGS	LI 266C	Hazard	KY 95.11	263.0	94.5	0.61
WOLDFM	LI 263A	Marion	VA 73.55	132.2	71.5	2.05
WKOYFM	CP 265A	Princeton	WV 82.58	93.7	71.5	11.08
WKEEFM	LI 263B	Huntington	WV 125.05	345.7	112.5	12.55
WKEEFM	LI 263B	Huntington	WV 125.05	345.7	112.5	12.55
WZJS	LI 264A	Banner Elk	NC 127.50	168.5	114.5	13.00
WKOYFM	LI 265A	Princeton	WV 88.02	89.5	71.5	16.52
WKQY	LI 261A	Tazewell	VA 50.02	111.9	30.5	19.52
WJSO	LI 211C3	Pikeville	KY 41.97	295.6	11.5	30.47
WMDJFM	LI 261A	Allen	KY 61.62	301.1	30.5	31.12
WBGQ.C	CP 264A	Bulls Gap	TN 146.56	218.4	114.5	32.06
WCYO	LI 264C3	Irvine	KY 183.99	283.2	141.5	42.49
WBZV	LI 264A	Christiansburg	VA 157.60	96.3	114.5	43.10
WBZV.C	CP 264A	Christiansburg	VA 162.55	97.7	114.5	48.05
WJYP	LI 265A	South Charleston	WV 124.64	16.8	71.5	53.14



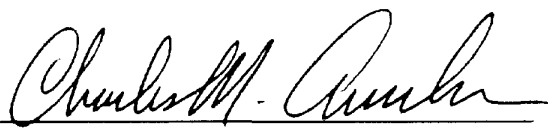
**CERTIFICATION**

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University and advanced degrees in the communications field from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/   
Charles M. Anderson

August 21, 1999

Disclaimer: Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

**Copyright (c) 1999, Charles M. Anderson.**

## **EXHIBIT C**

**EMERALD SOUND, INCORPORATED**  
**WOLD**

**WOLD-FM**

P.O. Box 1847

Marion, Virginia

24354

Phone: 540-783-7109

Fax: 540-783-2464

August 20, 1999

George E. DeVault, Jr.  
President  
Holliston Valley Broadcasting Corporation  
Box WKPT  
Kingsport, Tennessee 37662

RE: Possible WOLD-FM Site, Power, & Frequency Change.

Dear George:

Per our discussions, we understand that Holliston Valley Broadcasting Corporation (Holliston) plans to Petition the FCC to establish a Class A commercial FM allocation in Glade Spring, Virginia, and that should said petition be approved, Holliston intends to apply to the Commission for a permit to construct a station on that allocation.

We also understand that in order for said petition to be approved by the Commission our WOLD-FM would be required to change frequency from its present channel 273A to a new channel 263A and that WOLD-FM would be required to move to a new transmitter site.

We further understand that the site of your company's WMEV(AM) on Radio Hill in Marion will work for WOLD-FM under the circumstances set forth above and that WOLD-FM could run a full 6 kilowatts ERP from the WMEV(AM) site.

Additionally, we understand that if we agree to commit to modify WOLD-FM as set forth above (in the event your proposed petition is approved by the Commission) Holliston will provide antenna and transmitter space for WOLD-FM at the WMEV(AM) site on a barter basis (with WOLD-FM running advertising time for your company's television division). Additionally, and in accordance with the Commission's rules, Holliston (or any other successful applicant for the proposed Glade Spring station) would bear the expense of these modifications to WOLD-FM's operation.

Even in the event Holliston's proposed petition is approved, nothing herein shall require Emerald to choose Holliston's Radio Hill site as a future transmitter site for WOLD-FM. Should Emerald prefer another site, which fits the location parameters allowed for WOLD-FM in the approved allocation scenario, Emerald may procure the right to use such site at its own expense, thus relieving Holliston of any obligation to provide its Radio Hill site, but not of any obligation Holliston (or another successful applicant for the proposed Glade Spring FM station) would have to cover the expense of moving and properly equipping the WOLD-FM transmitting facility at its new location.

Finally, Emerald asserts that despite the fact that traditional FCC coverage prediction methodology may indicate WOLD-FM's coverage from the Radio Hill site with 6 kilowatts

-2-

RRP will equal or exceed WOLD-FM's present coverage with lower power from its Walker Mountain site, Emerald believes that if the proposed changes are made, the future sale value of WOLD-FM will be adversely affected.

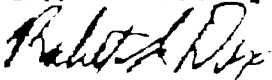
Given this assertion by Emerald, Holston agrees that should its proposed petition be adopted by the Commission, and if Holston should be successful in its pursuit of authority to construct the proposed Glade Spring station, it will (in addition to paying for the cost of the changes in the operation of WOLD-FM) pay to Emerald (or its successor as licensee of WOLD-FM) the sum of two hundred-fifty thousand dollars (\$250,000). (Should Holston's proposed petition be approved, but Holston not be successful in its pursuit of authority to construct the proposed Glade Spring station, the obligation to make the above-referenced payment to Emerald would fall upon any other successful applicant for the proposed Glade Spring station.)

Given the circumstances set forth herein, and once counter-signed by you on Holston's behalf, you may consider this letter Emerald Sound, Incorporated's (Emerald's) commitment to make the aforementioned changes in WOLD-FM in the event the proposed petition described above is approved.

We do set one additional caveat with regard to the commitment set forth herein. During the decades Emerald has been a broadcast licensee, it has observed that such petitions can take years to work their way through the FCC. In this fast-moving world with the many changes, which have occurred in the broadcasting industry in the past few years and which continue to occur daily, Emerald reserves the right to rescind the commitment set forth herein should circumstances involving its business change. By counter-signing this letter Holston commits that in the event of such withdrawal of Emerald's commitment, Holston will not hold Emerald liable in any way for any expenses or damages, which might accrue to Holston as a result of Emerald's withdrawal of the above-referenced commitment. Similarly, should changes in the broadcasting industry lead Holston to withdraw the above-referenced petition, Holston may do so in which case Emerald's commitments regarding the above-referenced possible changes in WOLD-FM's operation are null and void.

Sincerely,

EMERALD SOUND, INCORPORATED

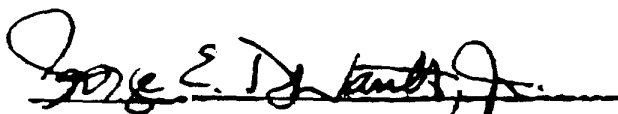


Robert S. Dix  
President & General Manager

Confirmed & Agreed:

HOLSTON VALLEY BROADCASTING CORPORATION

By:



Title:

President

Date:

8/23/99

## **CERTIFICATE OF SERVICE**

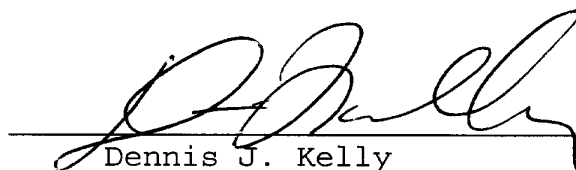
It is hereby certified that a true copy of the foregoing "Counterproposal and Comments Thereon" were served by first-class United States mail, postage prepaid, on the 23<sup>rd</sup> day of August, 1999, upon the following:

William J. Pennington, Esquire  
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Mr. Robert S. Dix, President  
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Mr. Herman G. Dotson, President  
Virginia-Kentucky Broadcasting Co. (WMJD)  
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Dennis J. Kelly